

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THE UNITED STATES OF AMERICA
and THE STATE OF MICHIGAN,

Plaintiffs,

CASE No. 1:19-CV-1041

v.

HON. ROBERT J. JONKER

NCR CORPORATION,

Defendant, and

GEORGIA-PACIFIC LLC,
GEORGIA-PACIFIC CONSUMER
PRODUCTS LP, INTERNATIONAL
PAPER COMPANY, and
WEYERHAEUSER COMPANY,

Intervenors.

**ORDER AUTHORIZING NCR CORPORATION'S DEPOSIT
OF FUNDS INTO COURT REGISTRY ACCOUNT**

The United States has filed an Unopposed Motion to Authorize Deposit of Funds Into the Court Registry Account. (ECF No. 38). The motion seeks authorization for Defendant NCR Corporation (“NCR”) to deposit in the Court Registry Account settlement payment to be made by NCR under a recently entered Consent Decree (ECF No. 37) to earn interest in accordance with the Clerk of the Court’s normal investment procedures. After review of the motion, the Court finds good cause to grant the motion, subject to the modifications the Court details below to reflect the policy and practice of the Administrative Office of the United States Courts and the Local Administrative Orders of this Court.

ACCORDINGLY, IT IS ORDERED:

1. The Unopposed Motion to Deposit Funds Into the Court Registry Account (ECF No. 38) is **GRANTED**.
2. Under FED. R. CIV. P. 67, the Clerk of the Court shall accept any payment by NCR into the Court Registry Account that is required under the Consent Decree entered in this case. Rule 67(a) of the Federal Rules of Civil Procedure, and Local Administrative Order 16-MS-119 (LAO 16-MS-119) issued November 29, 2016, requires the depositing party to serve a copy of this Order when depositing the funds with the Clerk.
3. The funds deposited in the Court Registry Account shall earn interest in accordance with the normal investment procedures of the Clerk of the Court. LAO 16-MC-119 requires the funds to be placed in the Court Registry Investment System (CRIS).
4. Any disbursement from the Court Registry Account shall be made only in accordance with a separate Withdrawal Order of this Court. The Withdrawal Order shall direct disbursement to the Plaintiffs in the event the Consent Decree becomes a final non-appealable judgment. The Withdrawal Order shall direct disbursement to NCR to return the settlement payment if the entry of the Consent Decree is overturned on appeal.
5. The United States requests that no fees shall be charged for services rendered on behalf of the United States in conjunction with the deposit of funds into the Court Registry Account. As set out in LAO 16-MS-119, courts ordinarily assess fees associated with the handling of funds deposited into the Registry. However, the District Court Miscellaneous Fee Schedule exempts the United States from those fees. Should the Court order disbursement to the United States, any assessed fees may be refunded.

IT IS SO ORDERED.

Dated: December 13, 2020

/s/ Robert J. Jonker

ROBERT J. JONKER

CHIEF UNITED STATES DISTRICT JUDGE